

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Hilda Gunter, :
 :
Plaintiff, : Case No.: _____
 :
-vs- : Judge: _____
 :
Dollar General dba Dolgen Midwest, LLC : Magistrate Judge: _____
 :
Defendant. :

NOTICE OF REMOVAL

Defendant Dolgen Midwest LLC hereby files this Notice of Removal, pursuant to 28 U.S.C. § 1441, with the United States District Court for the Southern District of Ohio, Eastern Division. As grounds for removal, Defendant states as follows:

1. This case was commenced and is now pending in the Common Pleas Court of Franklin County, designated as case number 2020 CV 005814 on the docket, a true and accurate copy of which is attached hereto as Exhibit A.
2. The Complaint was filed on September 1, 2020. Defendant has not been served. Defendant filed an Answer on September 16, 2020. A true and accurate copy of the Answer is attached hereto as Exhibit B.
3. At the time of Plaintiff's commencement of this action, Plaintiff was a citizen of the State of Ohio.
4. Dolgen Midwest, LLC, is a foreign corporation organized and existing under the laws of the State of Tennessee. It was, at the time of commencement of this action, and still is, a non-citizen, having its principal place of business in the State of Tennessee.

5. Thus, as between Plaintiff and the relevant Defendant, the controversy is wholly between citizens of different states.
6. The United States District Court, pursuant to the provisions of 28 U.S.C. § 1332, has jurisdiction over this action because there is complete diversity, and, upon information and belief, the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.
7. In this case, the undersigned counsel checked with Plaintiff's counsel, who was unwilling to agree that the amount in controversy was less than \$75,000. (See Exhibit A). And the Complaint, alleges that the Plaintiff hit her head, broke her left wrist and broke her right toe. Plaintiff is alleged to have suffered bodily injury, several which may be permanent, along with pain, mental anguish and emotional distress. She claims special damages including past, present and future medical expenses. Based upon what is pled in the Complaint, and Plaintiff's counsel's refusal to agree that the amount in controversy is less than \$75,000, the jurisdictional amount has been met.
8. This Notice is filed pursuant to 28 U.S.C. § 1441 within the time limits prescribed by 28 U.S.C. § 1446(b).
9. Defendant will give written notice of the filing of this notice as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Dolgen Midwest, LLC, provides notice that this action is removed to the United States District Court for the Southern District of Ohio, Eastern Division, pursuant to 28 U.S.C. §§ 1441 and 1446, and that the Common Pleas Court of Franklin County, Ohio, shall proceed no further unless this case is remanded.

Respectfully submitted,

/s/ Patrick Kasson

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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify a true and accurate copy of the foregoing document was served via electronic mail on this 18th day of September 2020 upon:

Brian M. Garvine, Esq.
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Attorney for Plaintiff

/s/ Patrick Kasson

Patrick Kasson (0055570)